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February 9th, 2019

The Honorable Edgardo Ramos
United States District Court
Southern District of New York - Courtroom 619
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Figueroa v. 153 East 33rd St, et al
Case No.: 1:18-cv-02621-ER

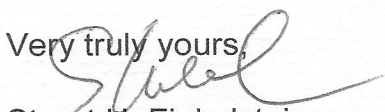
Dear Judge Ramos,

I write in response to your Order of February 8, 2019, Docket Entry 56. Subsequent to all counsel conducting a telephone hearing with Judge Fox on February 1, 2019, there was a change in defense counsel John P. Kelly's position to resolve the case. Previous to that conference, he would only accept a stipulation of dismissal with prejudice, something I could not agree to as I did not have authority from my client to do so. That is why I requested from Judge Fox to make a motion to withdraw as counsel for Mr. Figueroa.

Subsequent to that phone conference, Mr. Kelly's position changed, whereas now he would accept a stipulation to dismiss, without prejudice, without attorney fees to both sides, and without costs. This alternative would avoid motion practice, and more importantly, negate any possibility that Mr. Figueroa would be subject to a demand by defense counsels for attorney fees and costs in the event of him not refiling the case, pursuing the case pro se, or not hiring new counsel.

In light of these circumstances, I will be guided by the Court's instructions.

Very truly yours,


Stuart H. Finkelstein

SHF/tc

To all Counsel of record via ECF